

S/N 10/069,783
Customer No. 20529
Attorney Docket No. 24914

REMARKS

Claims 1-6 are currently pending in the present application. The claims 1, 2 and 4 have been amended in the expectation that the amendments will place this application in condition for allowance.

The amendments do not introduce new matter within the meaning of 35 U.S.C. § 132. Accordingly, entry of the amendments is respectfully requested.

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1. Claim Rejections under 35 U.S.C. §112, 2d Paragraph

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states:

In claim 1, line 9, appears to lack antecedent basis for "the end plate"; in lines 4-5, the words "being alternately...with close relation" are not understood; and the lines 17-20 are not clear as to their meaning

In claim 2, the words "the anode passage" and the "the cathode passage" appear to lack antecedent basis.

In claim 4, the words "the substrate" appears to lack antecedent basis; and the words "stainless steel", "nickel", "mild steel" all appear to lack antecedent basis.

Applicant respectfully traverses this rejection. Claims 1, 2 and 4 have been amended to clarify the apparent lack of antecedent basis noted by the Examiner. Lines 17-20 of claim 1 have been amended to clarify their meaning.

Applicant respectfully submits that these amendments remove the bases for the rejection and place the claims in condition for allowance.

2. Claim Rejections under Nonstatutory Double

Claims 1-6 are rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,132,572. Applicant submits that the present application and U.S. Patent No. 6,132,572 are commonly assigned, as shown in the attached Request for Recordation of Assignment. In this regard, a terminal disclaimer is attached hereto, thereby removing the basis to this rejection.

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CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the prior art of record. Further, applicant note the claims have been amended for reasons relating to clarity, rather than patentability. The Examiner is therefore respectfully requested to reconsider and withdraw the rejections of pending claims 1-6. Favorable action with an early allowance of the claims pending in this application is earnestly solicited. The Examiner is welcomed to telephone the undersigned attorney if he has any questions or comments.

Respectfully submitted,

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